IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.345 OF 2007

Shri Vitthal Rambhau Kate ..Applicant.
Vs.
Anusaya Ganpat Karade ..Respondent.

Ms. Kavita Pawar for Sanjay Kshirsagar, advs. for the Applicant.

CORAM : J.H.BHATIA, J.
DATE : NOVEMBER 21, 2007.

P.C.:

1. Heard the learned counsel for the applicant.

2. Respondent is admittedly the owner of the suit premises. She had filed suit for eviction of the applicant contending that in May, 1994 she had let out the suit premises to the defendant/applicant on monthly rent of Rs.300/-. For some time, he paid the rend but from January, 1995, the defendant/applicant failed to make payment of rent. As he failed to make payment of the rent for six months continuously, the landlady issued notice on 20th September, 2000 and terminated the tenancy. In spite of that, he did not make any payment. Thereafter the suit was filed. The defendant denied that he was in occupation as tenant. According to him, he had advanced an amount of Rs.25,000/- to the plaintiff on 13-9-1992 as she was in need of money for

marriage of her son. She had assured to execute sale deed in respect of half guntha land after marriage of her son. Thereafter, the defendant on his own cost had constructed cattle shed on the open land and that shed is now disputed premises. Both the Courts below rejected the plea of the defendant/applicant and accepted the plea of the plaintiff that the suit premises were let out to the defendant as tenant and he had failed to pay rent. Not only he had failed to pay the rent after service of notice by the plaintiff but he also failed to deposit an amount of arrears of rent after service of the suit summons. Both the Courts also held that the landlady requires the premises for personal bonafide occupation. In view of the concurrent findings of the Courts below and in view of the fact that there is no documentary or other reliable evidence to support the plea of the defendant, I find no substance in the revision.

3. Revision Application stands dismissed.

[J.H.BHATIA, J.]